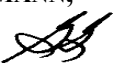




CITY COUNCIL

AGENDA REQUEST

AGENDA OF:	05-21-13	AGENDA REQUEST NO:	IV-G
INITIATED BY:	LINDA DRAPP, ADMINISTRATIVE SPECIALIST	RESPONSIBLE DEPARTMENT:	CITY SECRETARY
PRESENTED BY:	GLENDA GUNDERMANN, CITY SECRETARY	DIRECTOR:	GLENDA GUNDERMANN, CITY SECRETARY 
		ADDITIONAL DIRECTOR (S):	N/A
SUBJECT / PROCEEDING:	MINUTES CITY COUNCIL MEETING MAY 07, 2013 APPROVE MINUTES MAY 07, 2013		
EXHIBITS:	MINUTES		
CLEARANCES		APPROVAL	
LEGAL:	N/A	EXECUTIVE DIRECTOR:	N/A
PURCHASING:	N/A	ASSISTANT CITY MANAGER:	N/A
BUDGET:	N/A	CITY MANAGER:	ALLEN BOGARD
BUDGET			
EXPENDITURE REQUIRED: \$		N/A	
CURRENT BUDGET: \$		N/A	
ADDITIONAL FUNDING: \$		N/A	
RECOMMENDED ACTION			
Approve the minutes of the City Council meeting May 07, 2013. .			

EXHIBITS

STATE OF TEXAS §
COUNTY OF FORT BEND §
CITY OF SUGAR LAND §

CITY OF SUGAR LAND
CITY COUNCIL REGULAR MEETING
TUESDAY, MAY 07, 2013

REGULAR MEETING

The City Council of the City of Sugar Land convened in a regular meeting open to the public and pursuant to notice thereof duly given in accordance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, as amended, in Sugar Land City Hall within said City on Tuesday, May 07, 2013 at 5:30 o'clock P.M. and the roll was called of the members; to wit:

James A. Thompson, Mayor
Himesh Gandhi, Council Member at Large, Position One
Joe R. Zimmerman, Council Member at Large, Position Two
Donald L. Smithers, Council Member District One
Bridget R. Yeung, Council Member District Two
Amy L. Mitchell, Council Member District Three
Harish Jajoo, Council Member District Four

QUORUM PRESENT

All of said members were present.

Also present were:
Allen Bogard, City Manager
Glenda Gundermann, City Secretary
Mary Ann Powell, City Attorney, and
A Number of Visitors

CONVENE MEETING

Mayor James Thompson convened the session, open to the public, to order at 5:31 o'clock P.M.

INVOCATION

Council Member Gandhi delivered the invocation.

PLEDGE OF ALLEGIANCE

Council Member Gandhi led the pledge of allegiance to the Flag of the United States of America.

RECOGNITIONS

BIKE MONTH – MAY 2013

Mayor Thompson recognized the City of Sugar Land is supporting National Bike Month by proclaiming May 2013 as Bike Month in Sugar Land.

Mr. Patrick Walsh, Director of Transportation and Long Range Planning, stated Bike Month is all about the goal of superior mobility in the City. The citizens have asked for transportation choices that support healthy, active lifestyles and want to have the option of getting around town not just in vehicles but by walking or biking. The city is accomplishing those goals by having many trails for walking and biking and will create more. The city Pedestrian and Bicycle Master Plan is almost completed.

To celebrate Bike Month, Shape Up Sugar Land, in partnership with the City of Sugar Land and other sponsors, will host a group bike ride on Friday, May 17, 2013 in observance of Bike Month, Bike to Work Day, and Bike to School Day. The event begins at 7:30 a.m. at the South Meadow Pavilion in Sugar Land Memorial Park. At 8:15 a.m., Bike to Work Day participants will ride 3.8 miles to Town Square. Bike to School Day participants will ride 1.1 miles to Fort Settlement Middle School.

Ms. Kimberly Terrell, Parks Development Manager, stated the City has a fabulous trail system and staff is working hard to educate the trail users how to safely use the trails and encourage safe walking and cycling.

Mayor Thompson presented a proclamation recognizing May 2013 as Bike Month and urging all citizens to promote safe biking.

PUBLIC COMMENT

Mayor Thompson introduced Public Comment and entertained registered speakers. There were no public comments.

REVIEW OF CONSENT AGENDA

Mayor Thompson introduced Review of the Consent Agenda and entertained questions and/or comments.

CONSENT AGENDA

Mayor Thompson introduced III.A) **SECOND CONSIDERATION: CITY OF SUGAR LAND ORDINANCE NO. 1901**, AN ORDINANCE OF THE CITY OF SUGAR LAND, TEXAS, PROVIDING FOR A CHANGE OF ZONING FROM SUGAR CREEK CENTER PLANNED DEVELOPMENT (PD) EXPIRED DISTRICT TO BUSINESS OFFICE (B-O) DISTRICT FOR APPROXIMATELY 7.4 ACRES OF LAND AT THE SOUTHWEST INTERSECTION OF SUGAR CREEK BOULEVARD AND U.S. HIGHWAY 59; III.B) **CITY OF SUGAR LAND RESOLUTION NO. 13-21**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, ADOPTING CITY COMPENSATION POLICY; III.C) **CITY OF SUGAR LAND RESOLUTION NO. 13-20**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, APPROVING THE VICTIM COORDINATOR AND LIAISON GRANT AGREEMENT BETWEEN THE OFFICE OF THE ATTORNEY GENERAL OF

CONSENT AGENDA (CONTINUED)

THE STATE OF TEXAS AND THE CITY OF SUGAR LAND; III.D) Authorizing execution of an Interlocal Agreement by and between the City of Sugar Land and the City of Stafford for participation in a cooperative purchasing program for goods and services; III.E) Ratify an Agreement with Layne Christensen, Incorporated, and authorizing execution of a Contract in the amount of \$88,660.00 and Change Order No. 1 in the amount of \$9,700.00, a total of \$98,360.00, for emergency well repairs, Great Oak Water Well, CIP WA1302; III.F) Authorizing execution of a Contract in the maximum amount of \$75,745.00 with Morris Architects, Incorporated, for Land Use Plan Update Phase I, Fiscal Year 2013; and authorizing a budget amendment in the amount of \$75,745.00 to revenues and expenditures; III.G) Approval of the minutes of the regular meeting of April 16, 2013.

Following a full and complete discussion, ***Council Member Smithers***, seconded by ***Council Member Jajoo***, made a motion to approve the Consent Agenda. The motion carried unanimously.

CONTRACTS AND AGREEMENTS

SUGAR LAKES RAW WATER PUMP STATION PROJECT

Mayor Thompson introduced consideration on bid evaluation and authorizing execution of a Contract in the maximum amount of \$114,000.00 with Desert Eagle, LLC, for Sugar Lakes Raw Water Pump Station Project, CIP SW1305.

Mr. Howard Christian, Assistant Director of Water Utilities, provided a project background stating Sugar Lakes HOA owns an amenity lake and has two wells to fill the lake; the largest well failed in 2012. This was a water segment that was identified as a potential candidate to switch from filling with non-potable ground water to Oyster Creek water as part of the overall plan to help meet the GRP (Groundwater Reduction Plan) requirements. Additional pump stations were postponed until the amendment allowing Oyster Creek water use for non-potable projects was approved by the TCEQ. The project will reduce groundwater pumping by an average of approximately 25 million gallons per year and provide the City with GRP credits worth about \$106,000 a year.

Project location is bordered at Highway 90 on the north and Highway 59 on the south, just off of Sugar Lakes Boulevard.

Scope of Work:

- Pour small concrete pad for pump skid
- Installation of electrical service from adjacent lift station
- Connect to City SKADA system
- Metering the flow
- Remove well pump and electrical equipment

Four bids were received on April 4, 2013 with the low bid of \$114,000 from Desert Eagle, a Houston firm. The bid was within budget and below the estimated construction costs. The contract is 100 days with 60 days for substantial completion, and project should be operational by late July or early August.

CONTRACTS AND AGREEMENTS (CONTINUED)

SUGAR LAKES RAW WATER PUMP STATION PROJECT (CONTINUED)

City Council discussion ensued regarding:

- Due-diligence for Desert Eagle; staff stated references were checked and the firm has done work for the City of Houston, City of Willis, some municipalities, and general comments received were that the firm is capable of performing the tasks of a project this size.
- One of the wells will be abandoned and another well will be kept online as a backup; staff stated that well may be kept online as a potential backup and there are no immediate plans for pumping the well.

Following a full and complete discussion, *Council Member Mitchell*, seconded by *Council Member Zimmerman*, made a motion to approve a Contract in the maximum amount of \$114,000.00 with Desert Eagle, LLC, for Sugar Lakes Raw Water Pump Station Project, CIP SW1305. The motion carried unanimously.

**ITEM IV.B) EXTENSION OF UNIVERSITY BOULEVARD NORTH;
ITEM IV.C) MATERIAL TESTING SERVICES, UNIVERSITY BOULEVARD NORTH
EXTENSION; AND
ITEM IV.D) CONSTRUCTION MANAGEMENT AND ADMINISTRATION, UNIVERSITY
BOULEVARD NORTH EXTENSION**

Mayor Thompson stated that Items IV.B, IV.C, and IV.D were pulled from the Agenda by Staff and would be considered at a later date.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 1903 – AMENDING THE FISCAL YEAR 2012-2013 BUDGET

Mayor Thompson introduced **FIRST AND FINAL CONSIDERATION: CITY OF SUGAR LAND ORDINANCE NO. 1903**, AN ORDINANCE AMENDING THE FISCAL YEAR 2012-2013 BUDGET FOR THE CITY OF SUGAR LAND, TEXAS, TO PROVIDE THAT THE REVISED BUDGET ADDRESS FUNDS RELATING TO CERTAIN CAPITAL AND OPERATING BUDGET MATTERS, AND THAT THIS AMENDMENT BE ADOPTED AS THE BUDGETED AMOUNT FOR THOSE FUNDS.

Mr. Bryan Guinn, Assistant Director of Budget and Research, stated during the fiscal year there are times when Staff needs to adjust the budget that City Council originally adopted, which typically involves carryovers, adjustments to capital projects, and some items that arise throughout the fiscal year that are not budgeted. The budget amendments are allowed by City Charter and require one reading of the amendment by City Council, and the last budget adjustment was in December.

ORDINANCES AND RESOLUTIONS (CONTINUED)

ORDINANCE NO. 1903 – AMENDING THE FISCAL YEAR 2012-2013 BUDGET (CONTINUED)

New Appropriations:

As part of the budget amendment process, staff requests adding \$194,000 in the General Fund; all three of the items are being funded with surplus fund balance from Fiscal Year 2012. The fund balance requirement in the General Fund is 25 percent of recurring expenditures, and currently the city is at 29 percent of recurring expenditures with the fund balance; and even after the adjustment, it will remain at 29 percent, well within the fund balance appropriation.

All in General Fund (\$194,617)

- Land Use Plan Update: \$85,000 – Phase I of the project; second phase will be considered by City Council as part of the 2014 Budget
- PEG Fee Expenditures: \$63,417 – To appropriate funds in the Communications Department for adjustments to Sugar Land TV-16 and funds can only be used for the municipal channel
- Park Sponsorships - \$46,200 – Will appropriate funds received and is basically to replenish funds that were expended on existing events

New CIP Appropriations:

- University Boulevard North Extension ST0901
 - Revenues: \$735,174 - (County share)
 - Requesting \$1.298 M; this appropriates the funding; no need to come back to City Council for a budget adjustment on the project; contract is forthcoming

Fiscal Year 2012 Carryovers:

- Two carryover items (\$84,837)
 - Tourism Fund (\$27,831)
 - Wayfinding Signage, Phase I
 - General Fund (\$57,006)
 - UPS (Uninterrupted Power Supply) Replacement at City Hall

Previously Approved Requests by City Council:

- Three previously approved requests (\$565,000)
 - AMIL Gates Replacement Study (\$40,000)
 - Rehab First Colony Ground Storage Tank #1 (\$300,000)
 - Airport Runway Pavement Rehabilitation (\$225,000)

The budget amendment was reviewed with the Finance/Audit Committee in April.

ORDINANCES AND RESOLUTIONS (CONTINUED)

ORDINANCE NO. 1903 – AMENDING THE FISCAL YEAR 2012-2013 BUDGET (CONTINUED)

City Council discussion ensued regarding:

- University Boulevard North; the question was asked whether the extra appropriation was the result of higher bids than anticipated. Staff stated affirmative, there is a portion that is being appropriated for that, some of which are soft costs, and the additional construction expenditures which are needed. Staff was asked if the amendment of \$735,000 will be coming from the reserve, Staff stated there is a portion that will be reimbursed by the County; the \$700,000 is a not-to-exceed amount. Staff anticipates that some portion of the revenue will come from the County and the remaining portion will come from Fund Balance or from the issuance of additional debt. A question was raised about how much the City's extra cost would be; staff stated the \$1.298 million is the total cost that will be budgeted, and the portion that will be reimbursed by the County is approximately \$1.264 million. The City will receive a reimbursement for \$1.264 million.

City Manager Bogard stated there has been a question regarding the proper interpretation of the County and the City agreement for participation in the project. The question resulted in staff asking to pull the (3) previous items related to the University Boulevard North extension. The budget adjustment was prepared in anticipation that all of the items would be covered at this time. Staff believes it can work through the issues with the County, the numbers are still pertinent for the project, there is no downside to moving forward with the budget adjustment including the portion related to University Boulevard North.

Assistant City Manager Daly stated a meeting was recently held with the County; after all of the funding sources are identified, staff will bring the entire University Boulevard North project back for City Council consideration for award of contracts.

Council Member Yeung stated in the April meeting of the Finance/Audit Committee, all of the items were reviewed in detail and the Committee was in agreement to move forward.

Following a full and complete discussion, *Council Member Gandhi*, seconded by *Council Member Mitchell*, made a motion to approve **CITY OF SUGAR LAND ORDINANCE NO. 1903**, AN ORDINANCE AMENDING THE FISCAL YEAR 2012-2013 BUDGET FOR THE CITY OF SUGAR LAND, TEXAS, TO PROVIDE THAT THE REVISED BUDGET ADDRESS FUNDS RELATING TO CERTAIN CAPITAL AND OPERATING BUDGET MATTERS, AND THAT THIS AMENDMENT BE ADOPTED AS THE BUDGETED AMOUNT FOR THOSE FUNDS. The motion carried unanimously.

RESOLUTION NO. 13-19 – EXPRESSING INTENT TO FINANCE EXPENDITURES

Mayor Thompson introduced **CITY OF SUGAR LAND RESOLUTION NO. 13-19**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, EXPRESSING INTENT TO FINANCE EXPENDITURES TO BE INCURRED TOTALING \$8,860,000 FROM FUTURE TAX-EXEMPT OBLIGATIONS.

ORDINANCES AND RESOLUTIONS (CONTINUED)

RESOLUTION NO. 13-19 – EXPRESSING INTENT TO FINANCE EXPENDITURES (CONTINUED)

Mr. Bryan Guinn, Assistant Director of Budget and Research, stated in the FY 2013 Budget, the city has \$9.86 million in Certificates of Obligation that are intended to be issued. An additional \$225,000 was approved for the Airport Runway Rehabilitation project. Currently, there are (11) projects totaling \$8.86 million ready to move forward and either have contracts in place or pending.

IRS Regulations:

- Allow City to reimburse itself from future bond borrowings
- City must declare intent to reimburse within 60 days of the first expenditure
- Have 18 months from that point to issue debt

Resolution No. 13-19:

<u>Project Type</u>	<u>Amount</u>
Airport	\$1,225,000
Drainage, Municipal, Streets, Traffic	<u>\$7,635,000</u>
Total	\$8,860,000

The Intent to Reimburse was reviewed with the Finance/Audit Committee. Anticipated debt issue will occur later in 2013 and there will be additional projects not currently included in the Intent to Reimburse but will be included in the issuance.

Council Member Yeung stated the Finance/Audit Committee has reviewed the item which makes economic sense as the City does not have to issue bonds ahead of time which saves money.

Council Member Mitchell stated that Agenda Item V.B. reads “intent to finance expenditures to be incurred totaling “\$8,885,000”. Staff has cited \$8,860,000 in the presentation. Resolution No. 13-19 states “\$8,860,000”, which is different from what appears on the Agenda.

City Manager Bogard stated the amount on the posted Agenda appears to be incorrect; the attached resolution and the agenda item both contain the \$8,860,000.

City Secretary Gundermann stated approval of the \$8,860,000 needs to be included in the Motion.

Following a full and complete discussion, *Council Member Mitchell*, seconded by *Council Member Zimmerman*, made a motion to approve **CITY OF SUGAR LAND RESOLUTION NO. 13-19**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, EXPRESSING INTENT TO FINANCE EXPENDITURES TO BE INCURRED TOTALING \$8,860,000 FROM FUTURE TAX-EXEMPT OBLIGATIONS. The motion carried unanimously.

ORDINANCES AND RESOLUTIONS (CONTINUED)

ORDINANCE NO. 1902 – AMENDING THE CODE OF ORDINANCES

Mayor Thompson introduced **FIRST CONSIDERATION: CITY OF SUGAR LAND ORDINANCE NO. 1902**, AN ORDINANCE OF THE CITY OF SUGAR LAND, TEXAS, AMENDING THE CODE OF ORDINANCES REGARDING INDUSTRIAL WASTE CHARGES AND PERMIT FEES.

Ms. Christine Cooper, Water Quality Manager, presented proposed revisions to the City Code of Ordinances: Chapter 5, Article VIII, Water and Wastewater, Division III Rates and Charges. The item was discussed in a City Council workshop on April 16. The proposed revisions relate to fees for the Industrial Pretreatment Program. City wastewater plants are regulated by the State to protect the environment, specifically the receiving waters. To ensure wastewater plants can treat the sewage, some industrial customers need to be controlled by City permit.

The industrial user permits have pollutant limits. If pollutant levels are too high, industries have been required to install “pretreatment” to reduce pollutants prior to discharge, which prevents escalating enforcements and fines. For certain pollutants and if the wastewater plant can handle it, City ordinance allows another option.

The city can surcharge for pollutant levels above the limit for wastewater with high sugars (BOD) or suspended particles (TSS), and only for these two pollutants. If the city has a local industry with high sugar wastewater and installation of pretreatment is costly due to space constraints, the industry has requested an alternative and is amenable to surcharge.

To determine the surcharge:

- Calculate a cost factor per pound; in this instance electric costs were used because the main costs for BOD and TSS removal is electricity. The last two years of data was used from the North Wastewater Treatment Plant as it receives the industrial wastewater
- Charge for pounds discharged above the Ordinance limit on the water bill
 - BOD - \$0.10 per pound
 - TSS - \$0.08 per pound

Ordinance Revisions:

- Consolidate all pretreatment fees in a new section within the utility division
- Section 5-252 – “Industrial wastewater charges and permit fees”
- Move Annual Permit fees from Section 5-250 to 5-252a)
- Add 252b) Industrial Surcharges
- Remove Permit Fees from Division 11 Sewer Use Standards where currently embedded

The changes apply to industrial customers only.

Following a full and complete discussion, *Council Member Jajoo*, seconded by *Council Member Mitchell*, made a motion to pass to second reading **CITY OF SUGAR LAND ORDINANCE NO. 1902**, AN ORDINANCE OF THE CITY OF SUGAR LAND, TEXAS, AMENDING THE CODE OF ORDINANCES REGARDING INDUSTRIAL WASTE CHARGES AND PERMIT FEES.

The motion carried unanimously.

PUBLIC HEARING

CITY OF SUGAR LAND YOUTH PROGRAMS – STANDARD OF CARE

Mayor Thompson convened the Public Hearing to receive and hear all persons desiring to be heard on Standards of Care for City of Sugar Land Youth Programs.

Mr. James Browne, Director of Parks and Recreation, introduced **Ms. Margaret Littleton, Recreation Programs Coordinator**, who will make her first presentation before City Council.

Ms. Margaret Littleton, Recreation Programs Coordinator, stated the Texas Department of Family and Protective Services issued legislation for childcare licensing which regulates all child-care operations in the State of Texas to protect the health, safety, and well-being of children.

Standards of Care Ordinance:

The purpose of Ordinance No. 1906 is to clearly state that the programs offered by the City of Sugar Land are recreational in nature and are not licensed by the State of Texas as a certified day care program. The Ordinance covers the Summer Day Camp Program. Other youth programs are offered and are provided by contract instructors, but do not fall under Ordinance No. 1906 which is required by the State of Texas.

Standards of Care Criteria:

- Exemption Requirements:
 - City Council annually adopts a “Standards of Care” ordinance
 - The ordinance is to be adopted subsequent to a public hearing
- Criteria:
 - The standards be provided to the parents
 - Inform parents that the program is not a licensed child care facility of the state but is a recreation program
- Adopted Standards of Care shall include:
 - Staffing ratios – State requires 7/1 ratio; the City operates with a 6/1 ratio ensuring that the children are receiving adequate care
 - Minimum staff qualifications; 16 years of age and older and pass a background check
 - Facility (Imperial Park Recreation Center)
 - Health and safety standards
 - Monitoring and enforcing the adopted local standards

Standards of Care Ordinance:

- Consistent with current and past practices
- Standards of Care ordinance formalizes the existing policies and procedures
- Required Actions under Chapter 42
 - Hold public hearing on the proposed “Standards of Care”
 - Approve Ordinance No. 1906 “Adopting the Standards of Care”
 - File for exemption

Mayor Thompson entertained comments from the public; hearing none, the Public Hearing was closed.

PUBLIC HEARING (CONTINUED)

**ORDINANCE NO. 1906 – RECREATIONAL YOUTH PROGRAMS
ADOPTING STANDARDS OF CARE**

Mayor Thompson introduced **FIRST CONSIDERATION: CITY OF SUGAR LAND ORDINANCE NO. 1906**, AN ORDINANCE OF THE CITY OF SUGAR LAND, TEXAS, ADOPTING THE STANDARDS OF CARE FOR RECREATIONAL YOUTH PROGRAMS PUT ON BY THE CITY OF SUGAR LAND PARKS AND RECREATION DEPARTMENT.

Ms. Margaret Littleton stated there were no further comments.

Following a full and complete discussion, *Council Member Jajoo*, seconded by *Council Member Smithers*, made a motion to pass to second reading **CITY OF SUGAR LAND ORDINANCE NO. 1906**, AN ORDINANCE OF THE CITY OF SUGAR LAND, TEXAS, ADOPTING THE STANDARDS OF CARE FOR RECREATIONAL YOUTH PROGRAMS PUT ON BY THE CITY OF SUGAR LAND PARKS AND RECREATION DEPARTMENT. The motion carried unanimously.

PUBLIC HEARING

**REQUEST FOR PERMANENT ZONING OF 13.914 ACRES
TELFAR DEVELOPMENT**

Mayor Thompson convened the Public Hearing to receive and hear all persons desiring to be heard on request for permanent zoning of 13.914 acres to Planned Development (PD) District Final Development Plan, Museum Square Commercial District, located on northwest corner of University Boulevard and New Territory Boulevard in Telfair Development.

Ms. Ruth Lohmer, Principal Planner, stated this is a proposed Final Development Plan, the second step of the PD process for the Museum Square Commercial District. The property, 13.914 acres, is located at the northwest center intersection of University Boulevard and New Territory Boulevard, and encompasses all of the property between Museum Square, University Boulevard, and Savannah Heights Drive, Museum Square Drive, New Territory, and the Telfair Lake on the west side.

The General Development Plan for the property was approved by City Council May 3, 2011. The Telfair General Land Plan shows the area as commercial and being located within a PD District. An aerial view of the property shows the property is currently vacant. Telfair Sections 33 and 34 are to the north, and many of the properties are developed. To the south of the property is Telfair Recreation Center, Telfair Central Reserve C, and commercial property approved in the Final Development Plan.

The General Site Layout Plan divided the property into (4) different districts with the primary intent to distinguish the northern districts from the southern districts. The northern districts were more restricted in uses because of proximity to residential.

PUBLIC HEARING

**REQUEST FOR PERMANENT ZONING OF 13.914 ACRES
TELFAR DEVELOPMENT**

The proposed Site Layout Plan and Final Development Plan were provided and show the division of the property into multiple sites. The east side of the property will be (5) different reserves and the west side of the property will be divided into either (5) or (4) different reserves; there are a couple of options. The Plans show the internal cross access between the sites; there are private access easements that will serve the properties and in particular, provide access to the piece of property in the back that does not have direct access to a public street.

The driveways off of Museum Square Drive do not meet the minimum separation distance requirements according to the Development Code; there is adequate distance between Savannah Heights Drive and New Territory Boulevard for two driveways. This was the preferred location for the developer and was not too far off of the minimum requirement. City staff believes it is an appropriate distance, and Staff and the Planning and Zoning Commission concurred with the request for the deviation from the Code.

Staff showed the cross sections for the interior drive access and the internal access easement showing the sidewalk. Museum Square is adjacent and sidewalks are on either side. The new exhibit shows the interior drive accesses. The main difference is that this allows the applicant to have head-in parking right off of the drives instead of having a landscape buffer all the way across; this is similar to what is done in other places across the City.

Permitted Land Uses:

- Similar to B-1 and GDP
- Primary difference is permitted uses on Site 4E
- Some prohibited or limited in GDP, with either fewer or additional limitations in the FDP
- Example: Paint, Glass, and Wallpaper Stores, Household Appliance Stores
 - GDP: prohibited within 200 feet of residential
 - FDP: permitted but limited to 10,000 square feet
- Proposing Bank or Pharmacy w/drive-thru in 4E, the northeast site in the development
 - GDP prohibited drive-thrus within 200 feet of residential
 - Commission requested specific layout
 - Commission concurred with drive-thrus for bank or pharmacy

Exhibit C-6: Pad Site 4E: This is the layout that Planning and Zoning Commission reviewed and is part of the Final Development Plan; it shows the northern property line that is adjacent to Savannah Heights Drive with the residential on the other side, with University Boulevard. If a drive-thru is developed on the site, it must be at the southern portion of the site on the south of the building; the building partially shields the drive-thru from the residential to the north. A portion of the drive-thru is outside the 200 feet and a small portion is within the 200 feet.

PUBLIC HEARING (CONTINUED)

**REQUEST FOR PERMANENT ZONING OF 13.914 ACRES
TELFAIR DEVELOPMENT (CONTINUED)**

Development Regulations:

- Building and parking setbacks are respective of adjacent single family residential lots
 - 57- foot building setback adjacent to single family residential lots
 - 25-foot parking lot setback in the same area
- Other setbacks similar to General Development Plan and B-1 zoning district

Building Regulations:

- Building architecture to enhance certain building facades: Telfair Lake Greenbelt, Single Family Residential, Public Streets
 - All buildings require 40 percent transparency of facades
 - Ground floor facades required to have canopies, arcades, awnings, along 60% of facades

Additional Regulations:

- No outside storage of merchandise
- No use of outdoor speakers within 200 feet of residential (except bank or pharmacy on 4E)
- Buildings oriented in accordance with Exhibit C-3
- Service areas to be located internal to sites as shown on Exhibit C-3

Building Orientation Plan: Shows arrows indicating which way the buildings must be oriented and shows which facades the requirements apply to. General location of service areas is shown.

Landscaping and Buffering:

- Street trees required:
 - University Boulevard, includes existing magnolias
 - Savannah Heights Drive
 - Museum Square Drive
- Shade trees required:
 - New Territory Boulevard
 - Telfair Lake Greenbelt

Pedestrian and Bicycle Amenities:

- Public street sidewalks – 6 feet
- Private Sidewalks
 - 5 feet adjacent to private access easement
 - 5 feet minimum between 2W and 3W
- Bicycle package within 50 feet of building entrances
- Pedestrian plazas / Open Space
 - GDP required one per district (4), 500 square foot minimum, in addition to landscape buffers
 - FDP requires 500 square feet per plaza and 4 locations
 - Area within landscape buffer does count toward requirements

PUBLIC HEARING (CONTINUED)

**REQUEST FOR PERMANENT ZONING OF 13.914 ACRES
TELFAIR DEVELOPMENT (CONTINUED)**

Pedestrian Access Plan: Shows sidewalks going through the site adjacent to private access easements and in-between two sites that do not have a private access easement; shows location of public plazas. There is a bulk plane exhibit in the Plan.

Traffic and Circulation:

- Traffic Impact Analysis (TIA) was conducted for the site
- Surrounding streets and driveways adequately serve property
- Significant discussion at Planning and Zoning regarding hooded left on University Boulevard
- City Traffic Engineer responsible for decision-making in City ROW per (Code of Ordinances Section 5-41)
 - Hooded left will not be approved

Planning and Zoning Commission Review:

- P&Z Workshop 12/11/12
- Public Hearing, Discussion and Direction February 28, 2013: No public speakers
- P&Z discussion:
 - Building orientation, public open spaces, bank w/drive-thru on Pad 4E, hooded left, street trees (University Boulevard)

Planning and Zoning Commission / Consideration and Action on March 28, 2013:

- Unanimous recommendation of approval with several changes
- Changes incorporated into Ordinance No. 1904 as presented to City Council

All requirements for the Public Hearing have been met. Staff placed a courtesy sign on the site and notified Telfair HOA of the public hearing. One inquiry was received following the public hearing which was informational in nature, staff is not aware of any opposition.

Mayor Thompson entertained comments from the public; hearing none, the Public Hearing was closed.

**ORDINANCE NO. 1904 – CHANGE OF ZONING FOR 13.914 ACRES
IN TELFAIR DEVELOPMENT**

Mayor Thompson introduced **FIRST CONSIDERATION: CITY OF SUGAR LAND ORDINANCE NO. 1904**, AN ORDINANCE OF THE CITY OF SUGAR LAND, TEXAS, PROVIDING FOR A CHANGE OF ZONING FROM PLANNED DEVELOPMENT DISTRICT (PD) GENERAL DEVELOPMENT PLAN TO PLANNED DEVELOPMENT DISTRICT (PD) FINAL DEVELOPMENT PLAN (MUSEUM SQUARE COMMERCIAL DISTRICT) FOR APPROXIMATELY 13.914 ACRES OF LAND AT THE NORTHWEST CORNER OF UNIVERSITY BOULEVARD AND NEW TERRITORY BOULEVARD IN THE TELFAIR DEVELOPMENT.

Ms. Ruth Lohmer, Principal Planner, stated there were no further comments.

PUBLIC HEARING (CONTINUED)

**ORDINANCE NO. 1904 – CHANGE OF ZONING FOR 13.914 ACRES
IN TELFAIR DEVELOPMENT (CONTINUED)**

City Council discussion ensued regarding the hooded left onto University Boulevard, the building orientation of bank/pharmacy drive-thrus, the Pedestrian Plan including location of the trash receptacles, and location of driveways that do not meet code.

A Council Member expressed concern that the pedestrian walkways have been planned in the same area as the trash receptacles and it would not be enticing for people to walk by the trash receptacles. Staff stated it could be generally in the same area and was asked if there will be landscaping at the site; staff stated there will be the standard landscaping requirements along those areas; the dumpsters or other service areas will not necessarily be exactly adjacent to the property, but only have to be in the general area and will not necessarily be right next to the sidewalk. The Council Member asked staff to be mindful of this concern when approving the final plans.

Following a full and complete discussion, *Council Member Gandhi*, seconded by *Council Member Zimmerman*, made a motion to pass to second reading **CITY OF SUGAR LAND ORDINANCE NO. 1904**, AN ORDINANCE OF THE CITY OF SUGAR LAND, TEXAS, PROVIDING FOR A CHANGE OF ZONING FROM PLANNED DEVELOPMENT DISTRICT (PD) GENERAL DEVELOPMENT PLAN TO PLANNED DEVELOPMENT DISTRICT (PD) FINAL DEVELOPMENT PLAN (MUSEUM SQUARE COMMERCIAL DISTRICT) FOR APPROXIMATELY 13.914 ACRES OF LAND AT THE NORTHWEST CORNER OF UNIVERSITY BOULEVARD AND NEW TERRITORY BOULEVARD IN THE TELFAIR DEVELOPMENT. The motion carried unanimously.

PUBLIC HEARING

**REQUEST FOR PERMANENT ZONING OF 50.309 ACRES
TELFAR CORPORATE DISTRICT FLUOR TRACT**

Mayor Thompson convened the Public Hearing to receive and hear all persons desiring to be heard on request for permanent zoning of 50.309 acres to Planned Development (PD) District General Development Plan, Telfair Corporate District Fluor Tract, located on southeast corner of University Boulevard and Lexington Boulevard.

Mr. Douglas Schomburg, Director of Planning and Code Services, stated the property is the 50-acre Fluor Tract that Newland Communities is working on with Fluor and is a first step PD that involves the site next to Lexington Boulevard and University Boulevard.

Staff presented the General Land Plan and Conceptual Site Layout Plan. The site is further defined with specific setbacks and two plazas that are shown on the property along Lexington Boulevard; also shown was a custom Bulk Plane that will start at the Fluor property line rather than the residential, which will give the residents who are south in the Avalon at Telfair an additional buffer. The site will be a fairly substantial office campus with some non-office uses. The custom bulk plane will give additional support; Planning and Zoning Commission has reviewed and believes it is appropriate.

PUBLIC HEARING (CONTINUED)

**REQUEST FOR PERMANENT ZONING OF 50.309 ACRES
TELFAIR CORPORATE DISTRICT FLUOR TRACT (CONTINUED)**

Development Regulations:

- Maximum height: Bulk Plane applies, with a total not to exceed 150 feet
- Building and Landscape Setbacks
 - University Boulevard: 40 feet
 - Lexington Boulevard: 15 feet
 - Interior South and Southeast: 20feet
 - Perimeter with COSL property: 6 feet

Permitted Land Uses

The office uses are predominant but there are some safeguards for retail and service oriented where there is a 5,000 square foot maximum; and 15 percent maximum in terms of non-office related areas in the PD. There will be a maximum of one million square feet office. The campus idea is hybrid, but these are safeguards that will help build the framework for the final campus plans. (The Fluor lease expires just after 2020 at the existing site in Lake Pointe, so there is no final plan to submit at this time.)

Landscaping and Buffering

- Shade trees required along property
 - 1/30 feet of street frontage on University and Lexington
 - 4 inch caliper, 10 feet in height.
 - 1/25 feet along Ditch H Drainage
 - 50% must be 4" caliper, 10 feet height
 - Final Development Plan will show tree locations, spacing, and size

Pedestrian and Bicycle Amenities

- Public street sidewalks / sidepaths
 - University Boulevard 8' wide
 - Lexington 8' (already installed)
- Pedestrian walkways to connect building entrances to sidewalks
- Pedestrian features with minimum of two plazas including pedestrian/bike package of benches, trees, bike racks

Staff showed the Pedestrian Circulation Plan and indicated there are connection points at approximate locations where there will be more than one entrance into the property internally. Staff noted the Avalon at Telfair neighborhood and pointed out that the closest point from the neighborhood to the Fluor property is 90 feet. The farthest distance is over 250 feet.

Building Regulations

- Façades to be 85% primary finishes; brick, stone, textured concrete panels, and glass
- Building designed to break up horizontal and vertical planes, incorporate architectural details
- Canopies required for street-facing entrances for pedestrians
- Transparency requirements along streets with minimum of 25%

PUBLIC HEARING (CONTINUED)

**REQUEST FOR PERMANENT ZONING OF 50.309 ACRES
TELFAIR CORPORATE DISTRICT FLUOR TRACT (CONTINUED)**

Development Regulations

- Outside use (display of merchandise) prohibited
- Paving: concrete or pavers
- Minimum 15% open space (green space)
- Drive-thru prohibition for eating places
- Single Final Development Plan PD shall be submitted for full 50 acres in future

Planning and Zoning Review

- Planning and Zoning Workshop, February 12, 2012
- Public Hearing, Discussion and Direction, February 28, 2013
 - Two public speakers indicating Avalon at Riverstone residents
 - Concerns regarding potential for proximity issues, unknown elements of the application
- Staff followed up with residents
- Key PD details of square footage and percentages for uses
- Use list concerns (liquor stores, used building materials)
- Clarifications on parking garages
- Bulk plane discussion (amount of safeguard provided)
- Landscaping discussion for buffering

Revisions for Planning and Zoning (March 28, 2013)

- 300' setback along University Boulevard
- 200' setback along drainage channel not allowing eating or drinking places
- Speaker orientation away from any residential within 300' of channel
- Use list revised eliminating categories such as liquor stores, payday loans, auto title loans, used building materials

The Planning and Zoning Commission unanimously recommended approval with revisions of maximum square footage in PD of one million, and minor corrections and revisions to text for clarifications.

Public Hearing

- Notified property owners within 200 feet
- Published notification in newspaper
- Published notification on City website
- Placed courtesy sign at site
- Notified HOA
- Six informational inquiries received

PUBLIC HEARING (CONTINUED)

**REQUEST FOR PERMANENT ZONING OF 50.309 ACRES
TELFAIR CORPORATE DISTRICT FLUOR TRACT (CONTINUED)**

The applicant, *Mr. Peter Boecher of TBG Partners*, addressed additional items covered in the presentation:

- Size and scale of the property:
 - University Boulevard, 1500 feet of frontage
 - Lexington Boulevard, 1000 feet
 - East along City property, over 900 feet
 - Along perimeter drainage channel which is separate from Ditch “H”, over 2500 foot frontage

Residential Buffering

1. Perimeter drainage channel
 - 95 feet wide along most of length
 - Widens to 270 feet near University Boulevard
2. 20-foot wide landscape buffer along entire channel frontage of 2,570+ feet
3. One shade tree per every 25 feet of channel frontage; equals at least 103 trees

Shade Trees Within 20-foot Buffer

1. At least 50%, or 52 trees, shall be at least 10 feet tall when planted
2. All other trees must be at least 7 feet tall when planted
3. All 103 trees shall be planted prior to building permitting

Mr. Boecher presented Bulk Plane diagram showing taller buildings farther away from nearby homes.

Conditions for Uses near Residences

1. No eating and drinking places within 200 feet of drainage channel
2. No commercial bank drive-thru lanes, credit unions, within 200 feet of drainage channel
3. Within 300 feet of drainage channel, no outdoor speakers for eating and drinking place or bank shall face a residence across channel

Restrictions on Retail and Service Uses

1. Mostly secondary and accessory to principal office uses
2. Within 300 feet of University Boulevard, must be within an office building that is at least 85% office use
3. For entire site, shall not exceed 15% of total building area, or 50,000 square feet, whichever is less
4. Cannot be larger than 5,000 square feet each, except for an eating and drinking place
5. Within the entire PD, no drive-thru lanes for eating and drinking places

The Final Development Plan is to be submitted under one submission for the 50.3 acres.

Mayor Thompson entertained comments from the public; hearing none, the Public Hearing was closed.

ORDINANCE NO. 1905 – CHANGE OF ZONING FOR 50.309 ACRES

Mayor Thompson introduced **FIRST CONSIDERATION: CITY OF SUGAR LAND ORDINANCE NO. 1905**, AN ORDINANCE OF THE CITY OF SUGAR LAND, TEXAS, APPROVING A CHANGE OF ZONING FOR 50.309 ACRES OF LAND LOCATED AT THE SOUTHEAST CORNER OF UNIVERSITY BOULEVARD AND LEXINGTON BOULEVARD FROM ZONING DISTRICT CLASSIFICATION INTERIM R-1 TO PLANNED DEVELOPMENT DISTRICT (PD) GENERAL DEVELOPMENT PLAN AND APPROVING A GENERAL DEVELOPMENT PLAN FOR THE DISTRICT.

Mr. Douglas Schomburg stated there was discussion at the Planning and Zoning Commission meeting regarding the possibility of plantings along the southern buffer with the residential. Staff is interested in discussing with Fluor the possibility of starting some of the tree growth earlier than development.

City Council discussion ensued regarding:

- Planning and Zoning Commission discussion on one, all-inclusive PD process; Staff stated the recommendation was made to the Commission from the Planning Department at the time P&Z considered the recommendation based on the large amount of acreage, limited detail, and how to monitor the square footages. This involves more retail and service, and certainly more than a business office district. The process is more effective and the best plan for the type of project.
- Ensure lighting does not affect residential homes; Staff stated that required photo-metric plans will ensure there is no spillover.
- Concerns over the one-step PD process; *City Manager Bogard* clarified that the zoning ordinance provides for the PD process to have two options, a one-step or two-step, this is clearly a two-step process; this part is the first step. When Fluor has a plan, the firm will come forward with the second step and lay out their plans for the site. Regarding City Council concerns of providing more definition to the PD in a superior development, Mr. Bogard stated the whole process is a current topic of conversation at the Staff level and will be reviewed with City development partners to determine how to refine and improve the process.

Following a full and complete discussion, *Council Member Jajoo*, seconded by *Council Member Mitchell*, made a motion to pass to second reading CITY OF SUGAR LAND ORDINANCE NO. 1905, AN ORDINANCE OF THE CITY OF SUGAR LAND, TEXAS, APPROVING A CHANGE OF ZONING FOR 50.309 ACRES OF LAND LOCATED AT THE SOUTHEAST CORNER OF UNIVERSITY BOULEVARD AND LEXINGTON BOULEVARD FROM ZONING DISTRICT CLASSIFICATION INTERIM R-1 TO PLANNED DEVELOPMENT DISTRICT (PD) GENERAL DEVELOPMENT PLAN AND APPROVING A GENERAL DEVELOPMENT PLAN FOR THE DISTRICT. The motion carried unanimously.

CITY COUNCIL CITY MANAGER REPORTS

CITY COUNCIL REPORTS

Mayor Thompson introduced Community Events Attended or Scheduled.

Mayor Thompson recognized *Council Member/Mayor Pro Tem Smithers*' last full meeting as a City Council Member and thanked him for his service and dedication to the City of Sugar Land.

Council Member Smithers reported attending the National Day of Prayer in Town Square where he presented a proclamation on behalf of the Mayor and City Council.

Council Member Mitchell reported attending Sergeant Wayne Coleman's promotion ceremony to Lieutenant in the Police Department, Karen Glynn's Retirement Party, Sugar Land Wine and Food Affair, Fort Bend Mayor and Council Members meeting, and Strike-Out Autism at Constellation Field.

Council Member Zimmerman reported attending the Sugar Land Wine and Food Affair.

Council Member Gandhi reported attending Lieutenant Caldwell's retirement and Sergeant Coleman's promotion ceremonies.

Council Member Yeung reported attending the HOA Delegates meeting for Telfair on Thursday evening and the opening of Cure & Co. in Sugar Land, a new store that supports cancer patients.

Mayor Thompson recognized and extended congratulations on two recent staff promotions in the City; *Robert Valenzuela* promoted to Director of Public Works, and *Dawn Steph* promoted to Assistant Director of Public Works.

CITY MANAGER REPORT

City Manager Bogard reported May 12-18 is National Police Week and commented that while police agencies may have celebrated National Police Memorial Week on the local level for many years, today there is a new heightened awareness for National Police Memorial Week. In 2011, 125 officers were killed in the line of duty nationwide, and 9 officers were killed in the State of Texas. From May 12-18, 2013, the City will be paying tribute to those officers who made the ultimate sacrifice to protect our communities and our way of life. On May 15 at 11:00 a.m. at the Police Courts Building the Honor Guard will perform a 21-gun salute and lay a wreath; refreshments will be provided in the Training Room. *Police Chief Brinkley* invited everyone to come out for a brief ceremony commenting that this means a great deal to the Police Department and the men and women who serve.

A reception will be hosted for *Council Member Smithers* on May 29.

City Council will be asked to consider nominations for the Land Use Advisory Committee. A Council Task Force is working with staff on the project and input from City Council is needed on potential nominees for the Citizens Committee; nominations are to be submitted to Judy Janecek by May 20.

RECESS REGULAR MEETING

Mayor Thompson recessed the Regular Meeting to go into Closed Executive Session, time 7:15 o'clock P.M.

CLOSED EXECUTIVE SESSION

Mayor Thompson introduced Closed Executive Session as authorized by Chapter 551, Texas Government Code in accordance with:

Consultation with Attorney to the City: Section 551.071

a) For the purpose of receiving legal advice regarding City Charter amendments, Article III Initiative, Referendum and Recall of the City Charter. *Ms. Mary Ann Powell, City Attorney.*

ADJOURN CLOSED EXECUTIVE SESSION

Mayor Thompson adjourned the Closed Executive Session, time 8:18 o'clock P.M.

RECONVENE MEETING

Mayor Thompson reconvened the Regular Meeting, time 8:18 p.m. o'clock P.M.

ADJOURN

There, being no further business to come before Council, *Council Member Smithers*, seconded by *Council Member Jajoo*, moved that the meeting adjourn. The motion carried unanimously and the meeting adjourned, time at 8:19 o'clock P.M.

Glenda Gundermann, City Secretary

(SEAL)